

# Christopher Gibson

New South Wales (2019) / Johannesburg (2009)  
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## Professional Profile

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Dual qualified solicitor & advocate with considerable insolvency, to include restructuring, commercial litigation and investigations expertise representing a range of high-profile clients, including major corporations (both South African and European corporations) and financial institutions including South African Banks. Industry experience spans power & energy, natural resources & renewables, financial services and insurance. Admitted to practice in South Africa (August 2009), I have worked within private practice and most recently (since November 2015) as a self-employed barrister at the Johannesburg Commercial Bar. Between 2017-2019 I attended the University of New England (UNE) and the College of Law, Australia, securing admission to practice as a solicitor in New South Wales (July 2019).

Possessing a strong academic pedigree and enquiring mind, I have fostered a growing reputation as a technically proficient litigator with the ability to quickly identify and address issues while communicating effectively with colleagues and clients alike. This has directly resulted in securing instruction on larger and more complicated matters as my career has developed, particularly in the field of insolvency where my profile has risen significantly.

## Career History

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Nov 2015-present

**Johannesburg Bar, Johannesburg, S.A.**  
Advocate

Self-employed advocate practicing at Johannesburg Bar since November 2015 with a focus on commercial litigation, to include big-ticket insolvency matters and mining/energy related disputes. Regularly represent major South African banks and international corporations. Recent highlights include:

- Currently briefed as junior counsel on behalf of Prowealth Asset Managers (Pty) Ltd (in liquidation) ("*Prowealth*") in the claim against the Namibian Financial Institutions Supervisory Authority ("*Namfisa*"). The claim relates to the liability of Namfisa (the statutory body tasked with the regulation and supervision of companies in the financial services industry, such as Prowealth) arising from its failure to properly supervise and regulate Prowealth. The claim is instituted on behalf of the liquidators of Prowealth as well as the eighty-seven claimants, who had invested funds in Prowealth. **The matter is similar to the Australian matter involving HIH Insurance and the liquidators claim against the Australian Prudential Regulatory Authority (APRA).**
- Acting for TE Connectivity Solutions GmbH ("*TE Connectivity*"), incorporated in Switzerland, in insolvency proceedings against the South Africa Company TIS Investment (Pty) Ltd ("*TIS Invest*"). TE Connectivity is a global manufacturer of electronic components in, *inter alia*, the marine, aerospace, defence and power industries. The provisional liquidation of TIS Invest was successfully granted and in respect to TE Connectivity's claim of €1,127,174.59. The insolvency inquiries will commence in the new year.
- Represented the majority shareholders of NV Studios (Pty) Ltd, a South African film and production company which is part of NV Holdings, a company which conducts business in South Africa and the United States. The matter involved the liquidation of NV Studios (Pty) Ltd on the grounds that it was just and equitable for the company to be wound-up as a result of a deadlock between the majority and minority shareholders. Subsequently involved in the restructuring of NV Holdings' South African business which had been severely impacted by the Covid-19 pandemic. The business in its new structure has recommenced production of South African films.
- Recently acted for a South African insurance broker, Essential Employee Benefits (Pty) Ltd ("*EEB*") in its unlawful competition claim against a Lion Africa Life Assurance Company Ltd ("*Lion*"). The claim involved firstly an urgent interdict to prevent Lion from breaching its confidentiality undertakings and from soliciting EEB's clients. The urgent interdict was successfully granted, and arbitration proceedings will commence in the new year.
- Acted for Fujitsu Computers in its claim against Schenker South Africa (Pty) Ltd ("*Schenker*") a global logistics company. Fujitsu Computers claimed payment from Schenker following the theft of computers and computer equipment from OR Tambo Airport. The claim involved not only South African law, as well as issues which arose relating to the Warsaw and Montreal Conventions, which Schenker sought to invoke in order to reduce the quantum of the claim. Fujitsu was successful in the full quantum of its claim. The case is reported and has set precedent in South Africa.

- Acted on behalf of a major diamond mine in relation to its dispute regarding royalty payments, the value of the dispute was over R450million.
- Acted on behalf of the sub-contractor in a dispute relating to the construction of a dense phase sugar transfer system built for Tongaat Hullet.
- Recently acted for South African banks in liquidation applications against debtors. Briefed on and arguing at least one liquidation application a week, this includes acting for Standard Bank and FNB, two large South African banks. Often required by client solicitors attend the creditor's meetings in respect to contentious matters (which includes attending the creditor's meetings following the liquidator's appointment in order to ensure that client's claims are approved).

June 2014-March 2015

**Nortons Incorporated, Sandton, Johannesburg, S.A.**  
Attorney, Senior Associate

Senior Associate at Nortons Inc., a boutique services firm specialising in all aspects of regulatory law. Developed varied experience in commercial litigation and competition law. Matters included:

- Assisted in representing Keaton Energy Ltd in arbitration proceedings related to Keaton's claim against DRA Mineral Projects in respect of a coal processing plant.
- Represented Neotel (Pty) Ltd in the arbitration proceedings between it and Broadband Infracore SOC Ltd ("BBI") relating to the use by Neotel of the BBI national long-distance infrastructure.

June 2012-Dec 2013

**Tabacks Corporate Law Advisors, Johannesburg, S.A.**  
Attorney, Senior Associate

Senior Associate at Tabacks, a boutique full-service law firm. Developed excellent experience in both corporate commercial matters as well as litigation. Worked in the Commercial, Mining and Environmental departments, whilst assisting the Litigation department on a regular basis. Experience included:

- Provided advice in relation to the eviction of unlawful occupants of a ferrochrome stockpile and settlement negotiations with the Department of Environmental Affairs.
- Notably, involved in the precedent setting case of Interwaste (Pty) Limited v Coetzee and others, a controversial judgment relating to rectification applications brought in terms of section 24G of the National Environmental Management Act, 107 of 1998. The case is reported and set precedent in South Africa.
- Engaged on high profile appeal to the Water Tribunal on behalf of Total Coal South Africa which at the time owned a major coal mine in Mpumalanga. Drafted the appeal papers and attended mediations between the company and the Department of Water Affairs ("DWA"). Total subsequently sold its rights and operations to Glencore.
- Acted in a number of due diligence investigations, including:
  - a mining company incorporated in Mozambique which held three exploration licenses. Provided advice relating to the validity of the exploration rights and issues involving change of control of the target company and Capital Gains Tax relating to the transaction.
  - a company incorporated in Liberia which operates a gold mine. Provided advice relating to the validity of the mining rights which had been granted to the target company and also to a second Liberian mining company. Advice resulted in the second company which was also granted the mining rights agreeing to waive and relinquish its rights.
  - a major tyre manufacturing company in South Africa. Provided advice relating to the pending litigation of the target company as well as advice in respect to the target company's commercial agreements.
  - two companies which operate mines in South Africa. The due diligence investigation formed part of a transaction in terms of which a public company incorporated in England was acquired.
  - South African gold mining company. Provided advice relating to the business rescue proceedings in relation to the target company as well as to the pending litigation in respect of the target company and the target company's commercial agreements.
- Various duties in respect of commercial and mining matters including the drafting of surface lease agreements for the landowner of the largest platinum deposits in South Africa, the Royal Bafokeng Nation ("RBN").

Aug 2009-June 2012

**Jurgens Bekker Attorneys, Johannesburg, S.A.**  
Article Clerk / Attorney

Admitted as an attorney on 25 August 2009 following articles with Jurgens Bekker Attorney, a national firm, joining their employment and litigation practice on qualification. Developed extensive and valuable experience in litigation, gaining exposure to both the High Court and Magistrate Court, as well as arbitrations. This included four urgent court applications, including an Anton Pillar application and the subsequent successful search of four premises.

## Education

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2019	<b>College of Law, Australia</b> Property Law course completed in respect of the practical legal training qualifications in order to be admitted as a solicitor in New South Wales.
2017-2018	<b>University of New England (UNE), Australia</b> Academic courses completed in order to be admitted as a solicitor in New South Wales: Law 220 Constitutional Law / Law 340 Equity and Trust / Law 320 Legal Ethics / Law 282 Real Property.
2009-2012	<b>University of the Witwatersrand (Wits)</b> Master of Laws (Commercial Law) (part time) Courses Completed: Company Law I / Company Law II (Core) / Intellectual Property / Competition Law (Core). Thesis: 'Corporate Governance of State-Owned Enterprise, specifically Eskom'
Jan-June 2008	<b>L.E.A.D. Practical legal Training (PLT)</b> <i>Leader "Acme Attorneys" and successful in all four moot court competitions.</i>
2004-2007	<b>University of the Witwatersrand (Wits)</b> Bachelor of Laws (4-year LLB) <i>Year 1 - accepted to the 'Golden Key International Honours Society' an award for the top 15% of Wits Students.</i>

## Other

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### Computer Skills

- Microsoft Office, Microsoft Excel, Microsoft Power Point.

### Publications

- Published and presented a paper for the Competition Tribunal, "*Regulatory standards as a means of creating barriers to entry: The case of the Competition Tribunal and Netstar Vehicle Tracking.*"
- "*Corporate Governance of State-Owned Enterprise*", Master's Thesis.
- South African publication in "*The Mining Law Review*" chapter 28, November 2012, Law Business Research Limited.

### Personal Interests

- Outdoor pursuits, motorcycle racing, golf, squash and regular gym attendance